**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No.11621 of 1995**

**DATE: 28-7-2006**

**Between:**

L.Ravinder Babu ….. Petitioner

And

The Secretary & Correspondent,
Veereshalingam Thiestic High School,
Rajahmundry …. Respondent

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No.11621 of 1995**

ORDER:

The relief sought for in this writ petition is to declare the promotion of the 5th respondent as Science B.Ed. Assistant, vide order dated 1.11.1994 issued by the 1st respondent and the order of approval of the 2nd respondent, in proceedings dated 3.5.1995, as illegal and for a consequential direction to respondents 1 to 2 to promote the petitioner to the post of Science B.Ed. Assistant with retrospective effect from 1.4.1994 with all monetary benefits.

While Sri K.Manik Prabhu, learned counsel for the petitioner, would make submissions on merits, it is however admitted that the 5th respondent retired from service on his reaching the age of superannuation in the year 2001. Since the 5th respondent is no longer working as a teacher in the 1st respondent school as on date, the question of now declaring his promotion as Science B.Ed. Assistant illegal does not arise. The only question which remains to be considered is as to whether the petitioner is entitled to be promoted to the post of Science B.Ed. Assistant.

It is stated across the Bar by Sri K.Manik Prabhu, learned counsel for the petitioner, Sri C.V.S.K.Ramana Murthy, learned counsel appearing on behalf of the 4th respondent and the learned Government Pleader for School Education that the extant rules in this regard are those modified under G.O.Ms.No.1 dated 1.1.1994.

The writ petition is disposed of directing the 1st respondent herein to consider the case of the petitioner in any available

vacancy of B.Ed. Assistant (Natural Science), in accordance with the statutory Rules notified in G.O.Ms.No.1 dated 1.1.1994. This exercise shall be undertaken as expeditiously as possible and shall be completed within a period of three months from the date of receipt of a copy of this order. Needless to state, that in case the petitioner is found suitable for appointment, the 1st respondent shall take necessary action to forward the proposals in accordance with the rules.

The writ petition is disposed of accordingly. However, in the circumstances, without costs.

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28-7-2006

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